

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ORIX CAPITAL MARKETS, LLC,)
Plaintiff,)
v.) No. 08 C 1492
COMMERCIAL VENTURES, INC.,) Judge Bucklo
Defendant.) Magistrate Judge Valdez

NOTICE OF MOTION

To: See Attached Certificate of Service

PLEASE TAKE NOTICE that on Wednesday, May 7, 2008 at 9:30 a.m., or as soon thereafter as counsel may be heard, we shall appear before the Honorable Elaine Bucklo, or any other judge sitting in her stead, in Courtroom 1441, located in the Everett McKinley Dirksen Building 219 South Dearborn Street Chicago, Illinois 60604, and then and there present MOTION TO VACATE DISMISSAL FOR WANT OF PROSECUTION.

ORIX CAPITAL MARKETS, LLC

By /s/ David T.B. Audley
One of Its Attorneys

David T.B. Audley
Joseph P. Lombardo
CHAPMAN AND CUTLER LLP
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Chicago, Illinois 60603
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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that the Notice of Motion of Plaintiff's Motion to Vacate Dismissal for Want of Prosecution was filed electronically on May 2, 2008. Parties and interested persons may access this filing through the Court's system.

/s/ David T.B. Audley
David T.B. Audley